

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DARRYL JOHNSON,

Petitioner,

-against-

M. CAPRA, Superintendent of the Sing Sing
Correctional Facility,

Respondent.

1:22-CV-10754 (LTS)

ORDER DIRECTING ORIGINAL
SIGNATURE

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner brings this *pro se* petition for a writ of *habeas corpus* under 28 U.S.C. § 2254. He submitted his petition without a signature. Rule 2(b)(5) of the Rules Governing Section 2254 Cases in the United States District Courts provides that “the petition must . . . be signed under penalty of perjury by the petitioner or by a person authorized to sign it for the petitioner under 28 U.S.C. § 2242.”

Petitioner is directed to submit a signature page for his Section 2254 petition, with his original signature, to the Court within 30 days of the date of this order. A copy of the appropriate signature page is attached to this order.

If Petitioner complies with this order, this action shall be processed in accordance with the procedures of the Clerk’s Office. If Petitioner fails to comply with this order within the time allowed, the petition will be denied.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

SO ORDERED.

Dated: January 9, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge